

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

T.R.,

Plaintiff,

v.

Civ. No. 20-276 GBW/JHR

PATRICK HOWARD,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO EXCLUDE NEW THEORIES OF
LIABILITY AND DAMAGES**

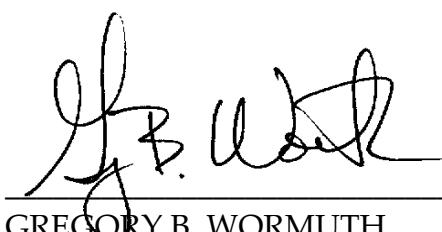
THIS MATTER comes before the Court on Defendant's Motion to Exclude New Theories of Liability and Damages. *Doc. 299.* In the Motion, Defendant argues that Plaintiff is seeking to present a new claim at trial that Defendant Howard's unwillingness to admit publicly to his sexual misconduct caused or exacerbated the bullying that Plaintiff experienced after Defendant Howard was removed from his teaching role. *Id.* at 1. Defendant states that this claim was not pled in Plaintiff's First Amended Complaint and he "requests the Court to exclude Plaintiff's new theory of liability and/or damages." *Id.* at 5.

As discussed at the second pretrial conference on March 1, 2024, the Court will permit Plaintiff to introduce evidence of the impacts of Defendant Howard's conduct on T.R., including any impacts from the bullying that T.R. experienced as a result of

Defendant Howard's removal from his teaching role. Thus, to the extent the Motion requests the exclusion of any evidence, the Motion is DENIED.¹

Should Defendant Howard so move, the Court will consider including a tailored jury instruction which instructs the jury to determine whether the effects of the bullying were proximately caused by Defendant Howard's conduct.

IT IS SO ORDERED.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE
Presiding by Consent

¹ At the March 1, 2024 pretrial conference, Defendant agreed that he was not seeking the exclusion of any evidence.